IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

SW side of Northpoint Rd., 103.8 * ZONING COMMISSIONER

BEFORE THE

Case No. 99-21-A

ft. west of c/l of Carson Avenue

802 Northpoint Road * OF BALTIMORE COUNTY

12th Election District
7th Councilmanic District

Charles A. Bayne, et ux

Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Charles A. Bayne and Darlene Bayne, his wife, for that property known as 802 Northpoint Road in the Webbs Plat subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a detached accessory structure (garage) with a height of 24 ft., in lieu of the required 15 ft., in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

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Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _______ day of August 1998, that the Petition for a Residential Variance from Section 400.3 of the BCZR to allow a detached accessory structure (garage) with a height of 24 ft., in lieu of the required 15 ft., in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3. The Petitioners shall not allow the garage to be used for any commercial purposes or to support any business operation.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

August 13, 1998

Mr. and Mrs. Charles A. Bayne 802 Northpoint Road Baltimore, Maryland 21224

RE: Petition for Administrative Variance

Case No. 99-21-A

Property: 802 Northpoint Road

Dear Mr. and Mrs. Bayne:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

MM Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

802 Northpoint Rd

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Section 400.3 to allow an accessory structure height of 24' in lieu of the required 15'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1: The proposed second floor addition to a detached garage exceeds the allowed height requirement.

Property is to be posted and advertised as prescribed by Zoning Regulations.

i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and legal owner(s) of the property w	affirm under the penalties of per which is the subject of this Petition	ury, that I/we are the
-Contract Purchaser/Lessee	-		Legal Owner(s).	- ***	
(Type or Print Name)	• • • • • • • • • • • • • • • • • • • •		Mr. Charles (Type or Print Name)	A. Bayne	
Signature	· · · · · · · · · · · · · · · · · · ·		Signature LULLE	~ le / ay	
Address	——————————————————————————————————————		MIS Darlene (Type or Print Name)	e (nmn) Bayne	
City Attorney for Petitioner	State	Zipcode	Signature Douber	e Barpe	
(Type or Print Name)		——————————————————————————————————————	802 Northpo	oint (410) 28	8-4138 hm.
Signature			City	21224 (410) State ber of representative to be conta	Zipcode
Address	Phone	∍ No	Name		·
City	State	Zipcode	Address	Pho	ne No
A Public Hearing having been r	equested and/or foun	d to be required, it is orde	ered by the Zoning Commissioner of Bo	altimore County, this day	of ,19

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

REVIEWED BY: BY DATE 7/14/98 ESTIMATED POSTING DATE: 7/24/98

circulation throughout Battimore County, and that the property be reposted



ITEM #: _2/

Zoning Commissioner of Baitimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	802 Northp	oint Rd.	
	Baltimore,	Md.	21224
-	City	State	Zip Code
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or j	practical difficulty)	_	
I have proposed to bui	ld a second	level to my	detached
garage for a workshop a	nd storage	and that the	height
required to build it e	xceeds the	maximum heig	ht requirement
set by the Baltimore Co	unty buildi	ng code.	
	•		
	· · · · · · · · · · · · · · · · · · ·		
That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information with the control of the country of the country of the country of the country at the cou	MORE to wit	(signature) Mrs. Darle (type or pnnt name)	ne Bayne a Notary Public of the State
the Affiants(s) herein, personally known or satisf that the matters and facts hereinabove set torth a	actorily identified to m	e as such Affiantt(s), and	made oath in due form of law
AS WITNESS my hand and Notarial Seal.			
<u>6-30-98</u>	NOTARY	PUBLIC Patru	in Ward
	Му Сопп	ission Expires.	
		1-1-00	

99-21-A

35

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	802 Nor	thpoint R	d.	
	Baltimo City	re,	Mid.	21224 Zip Code
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or		upon which I/we ba	ase the request for	an Administrative
I have proposed to bui	ld a sec	ond level	to my de	tached
garage for a workshop	and stor	age and t	hat the r	neight
required to build it e	xceeds t	he maximu	m height	requirement
set by the Baltimore C	ounty bu	ildina co	de.	
			- ·	
	<u> </u>			
That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information of the following signature.		×//signatur	Dalere Be	yu
Mr. Charles A Bayne type or print name:		Mrs.	Darlene omtname)	Bayne
STATE OF MARYLAND, COUNTY OF BALT	MORE to wit:	(1)()()	nnic nasizej	
I HEREBY CERTIFY, this 30 day of of Maryland, in and for the County aforesaid, pe	June rsonally appeared	l		otary Public of the State
Parles A Ba	une	C	alene	Barro
the Affiants(s) herein, personally known or satisfiant the matters and facts hereinabove set forth	v factorily identified	i to me as such Aff	iantt(s), and made	oath in due form of law
AS WITNESS my hand and Notarial Seal.				
Gate 6 - 30 - 98	N	OTARY PUBLIC	Patricia	, Ward
	Му	Commission Expires	s:	
			_	

1-1-00



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

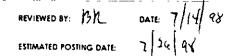
for the property located at

802 Northpoint Rd which is presently zoned This Petition shall be filed with the Dept. of Permits & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Section 400.3 to allow an accessory structure height of 24' in lieu of the required 15'. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or 1: The proposed second floor addition to a detached garage exceeds the allowed height requirement. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition Contract Purchaser/Lessee - Legal Owner(s) Mr. Charles A. Bayne (Type or Print Name) Signature Mrs. Darlene (nmn) Bayne Address Mrs acrone City Attorney for Petitioner 802 Northpoint Rd. (410)288-4138 1 m. (Type or Print Name) Balto, Md. (410)887-3039 Signature

A Public Hearing having been requested and/or found to be required it is ordered, by the Zaning Cammissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing , advertised, as required by the Loning Regulations of Baltimore County, in two newspapers of general circulation, throughout Baltimore County, and that the property be reposted

Address

Coning Commissioner of Baltimore County



State

Address

City



Zipcode



ZONING DESCRIPTION FOR 802 Northpoint Rd

Beginning at a point on the <u>Southwesternmost</u>	<u>s</u> ide of
Northpoint Rd which is 40 ft. wide a	t the
distance of 103.8 ft. west of the centerline of	the
nearest improved intersecting street Carson Av	which is
40 ft. wide. *Being Lot # 4 Block n/a	
Section n/a in the subdivision of webbs plat	 .
as recorded in Baltimore County Plat Book # 7 Fol	io,# <u>177</u>
containing 3,880 sf Also known as <u>802 Northpo</u>	int Rd
and located in the <u>12th. Election District</u> , 7th.	_Councilmatic
District.	

99.21-A

a republication of the second	PRACESS ACTUM.	REG USOI CASHIER DLUM CAL. 5 MISHELLANDUS CASH REGET Reguint II 057269 CR NO. 056190	Fattinure County, Naryland	4-12	CASHIER'S VALIDATION
And the second of the second o	BALTIMORE COUNTY, MARY! D No. ①56190 office of BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 7/14/6) ACCOUNT (7001-6/50)	RECEIVED (her Irr. (Say the	FOR: (1) 200 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case # 99-21-A
Petitioner/Developer:
(Chuck Bayne)
Date of Handag/Closing:
(August 10, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required	by
law were posted conspicuously on the property located at	_
882 North Point Road Baltimore, Maryland 21222	
The sign(s) were posted on July 24, 1998(Month, Day, Year)	



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

·					
Case Number 99- 21 -A Address 802 North point Rd.					
Contact Person: Bruke Ruke; tis Phone Number: 410-887-339					
Filing Date: $\frac{7/14/98}{19/19}$ Posting Date: $\frac{7/26/98}{19/19}$ Closing Date: $\frac{8/10/98}{19/19}$					
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.					
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.					
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet 0to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.					
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.					
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.					
(Detach Along Dotted Line)					
Petitioner: This Part of the Form is for the Sign Poster Only					
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT					
Case Number 99- 21 -A Address 802 North point Rd.					
Petitioner's Name Bayhe Telephone (410) 787 - 3639 Jk					
Posting Date: 7 26 98 Closing Date: 8 10 98					
Wording for Sign: VARTANCE TO PERMIT an accessory structure height of ay'					
in lieu of the required 15'.					

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

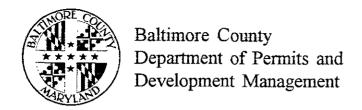
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-21-A
Petitioner: Charles A. Boyne
Petitioner: Charlés A. Bayos Address or Location: 802 Northpoint Rd.
`
PLEASE FORWARD ADVERTISING BILL TO:
Name: Mc. Charles A. Bayne
Address: 802 Northpoint Rd.
Baltimore MD. 21224
Telephone Number: (410) 288-4138

Revised 2/20/98 - SCJ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 5, 1998

Mr. & Mrs. Charles Bayne 802 Northpoint Road Baltimore, MD 21224

RE: Item No.: 21

Case No.: 99-21-A

Location: 802 Northpoint Rd.

Dear Mr. & Mrs. Bayne:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 14, 1998.

The Zoning Advisory Committee (ZAC). which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

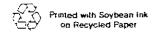
Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures



DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley.

Permits and Development Review

SUBJECT:

Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTS8P

Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7.24-9V Item No. 021 B.2

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Dredh

Ronald Burns, Chief
Engineering Access Permits
Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: July 28, 1998

Whit

FROM: Arnold F. 'Pat' Keller, III, Director Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 19, 21 and 23

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: (feffyill- Lay

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 10, 1998

Department of Permits & Development

Management

FROM:

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

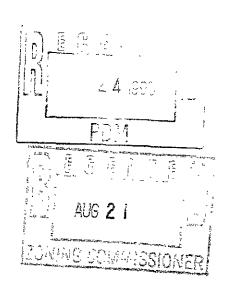
for August 3, 1998

Item Nos. 019, 021, 022, 023, 024,

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File





County Council of Baltimore County

Court House, Towson, Maryland 21204 (410) 887-3196 Fax (410) 887-5791

Stephen G. Samuel Moxley FIRST DISTRICT

Kevin Kamenetz

T. Bryan McIntire

Douglas B. Riley FOURTH DISTRICT

Vincent J. Gardina

Joseph Bartenfelder SIXTH DISTRICT

Louis L. DePazzo SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

August 7, 1998

Mr. Lawrence E. Schmidt Zoning Commissioner 401 Bosley Avenue Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 58-98 concerning the pubic disclosure of Charles Bayne, an employee of the Baltimore County Office of Information Technology. Mr. Bayne has applied for a zoning variance in an effort to build a second story onto his residence located at 802 North Point Road, Baltimore, Maryland 21222.

This Resolution was unanimously approved by the County Council at its August 3, 1998 meeting and is being forwarded to you for appropriate action.

Sincerely.

Thomas J. Peddicord, Jr. Legislative Counsel/Secretary

eddword!

TJP:dp Enclosure

cc: Charles Bayne

R05898.

Applicant has been informed that he requires a County Council no-conflict resolution be passed prior to the Zoning commissioner's order. 13R 7/14/98

44.21-A

#21

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1998, Legislative Day No. <u>15</u>

Resolution No. <u>58-98</u>

Mr. Louis L. DePazzo, Councilman

By the County Council, August 3, 1998

A RESOLUTION concerning the public disclosure of Charles Bayne, an employee of the Baltimore County Office of Information Technology.

WHEREAS, Charles Bayne, an employee of Baltimore County, has applied for a zoning variance in an effort to build a second story onto his residence located at 802 North Point Road, Baltimore, Maryland 21222; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 26-3(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a variance filed by Charles Bayne does not contravene the public welfare and is hereby authorized.

R05898.

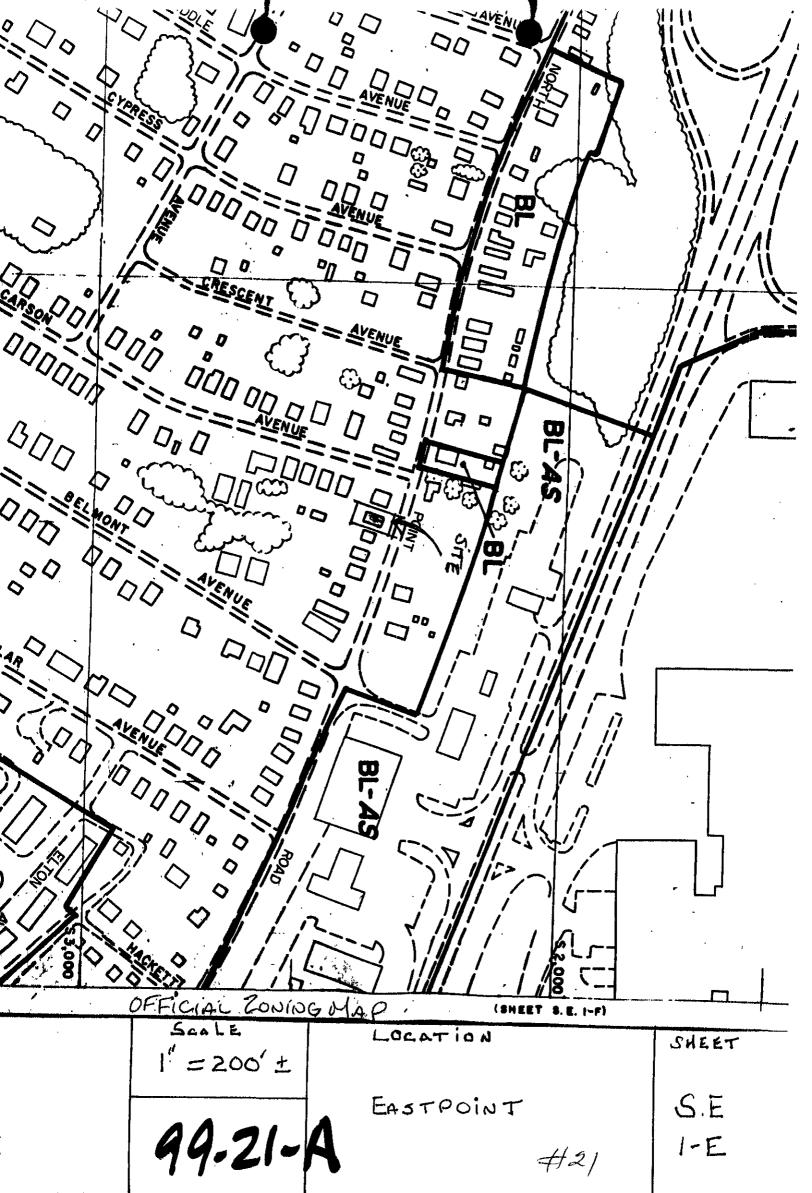
READ AND PASSED this 3rd day of August, 1998.

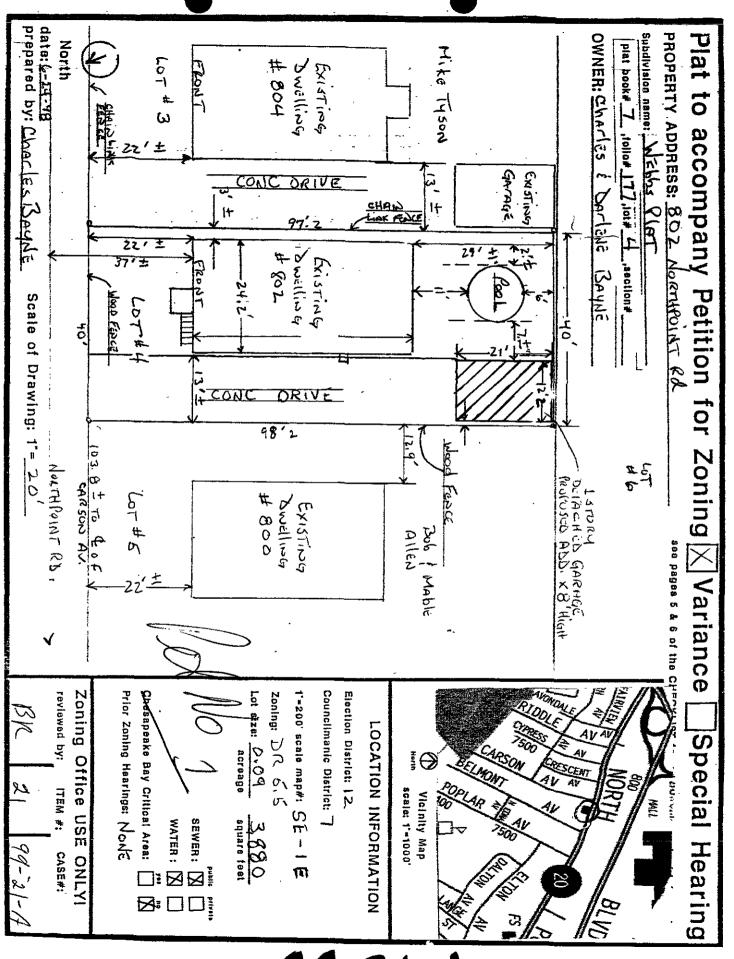
BY ORDER

Thomas J. Peddicord, Jr.

Secretary

Resolution 58-98 ITEM:







Fasting GARAGE Showing PHT Side. Proposed Add TIOD SIFE

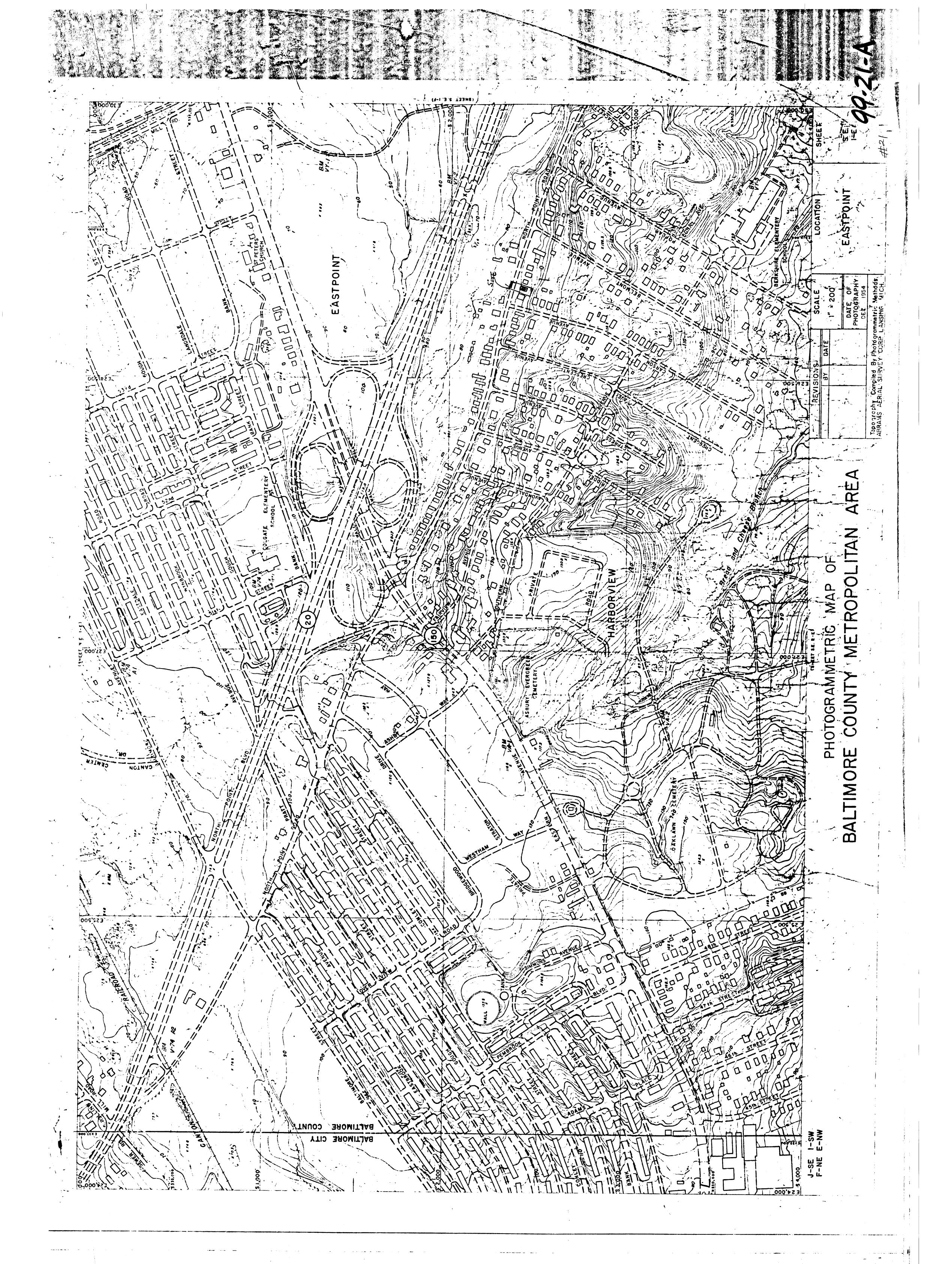
FRONT SIDE

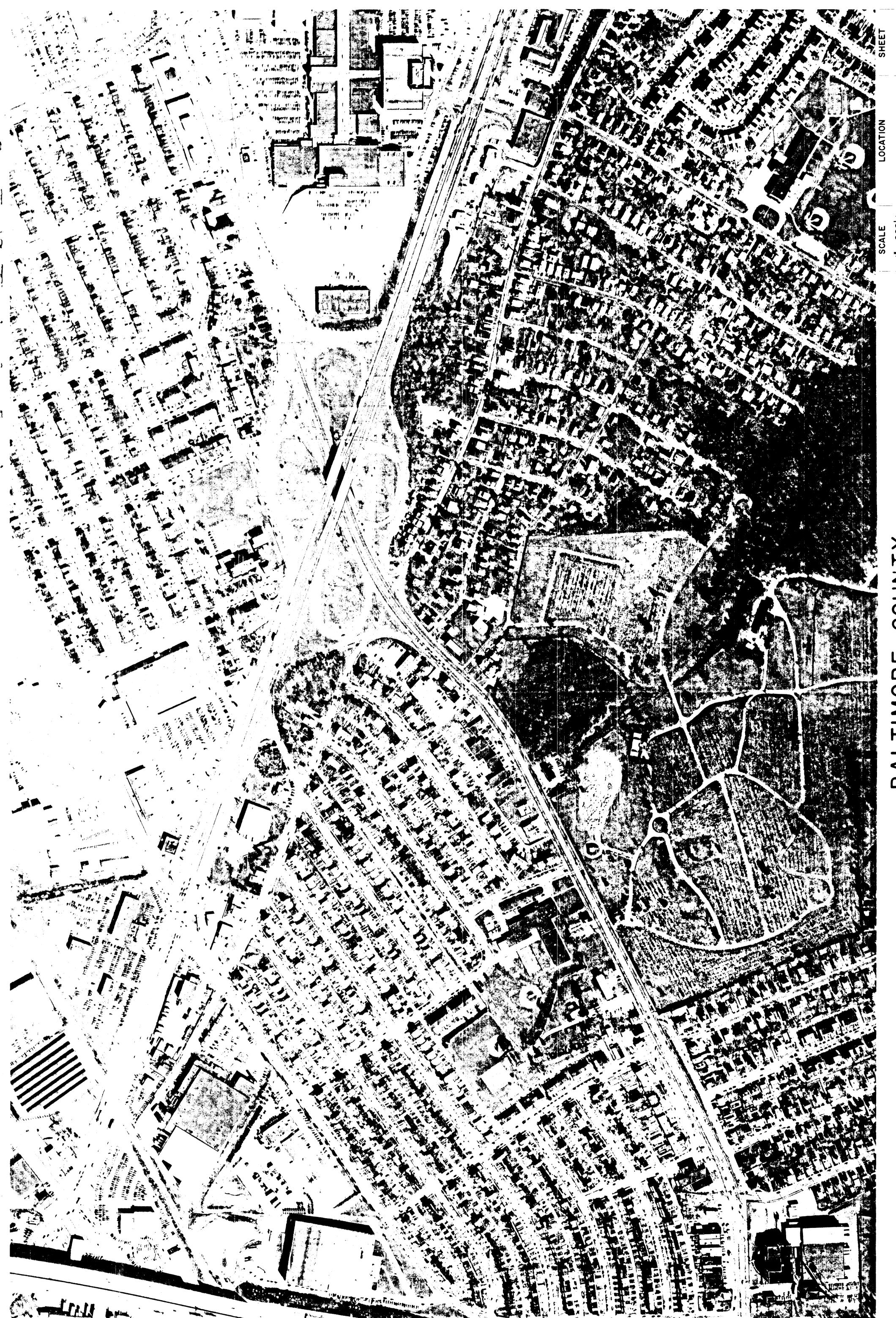




REAR AND LEFT Side

99.21-A





OFFICE OF PLANNING AND PHOTOGRAPHICAND

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REPARED BY AIR PHOTOGRAPHICS, INC. IARTINSBURG, W.V. 25401